



## Legislation Details (With Text)

<b>File #:</b>	ID17-1146	<b>Version:</b>	2	<b>Name:</b>	
<b>Type:</b>	Action Item	<b>Status:</b>		Passed	
<b>File created:</b>	8/14/2017	<b>In control:</b>		City Council	
<b>On agenda:</b>	8/31/2017	<b>Final action:</b>		8/31/2017	
<b>Title:</b>	<p>HEARING to consider Annexation Application No. ANX-17-001, Pre-zone Application No. R-17-002, and related Environmental Assessment No. ANX-17-001/R-17-002, filed by Bill Robinson of Sol Development, on behalf of Don Orosco of D.B.O. Development. These applications pertain to approximately 38.80 acres of property located on the northeast corner of N. Polk and W. Shields Avenues. (Council District 1).</p> <p>1. Adopt the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report as prepared for the annexation and rezone, dated May 5, 2017 for purposes of the proposed project.</p> <p>2. BILL - (For introduction and adoption) Approving Pre-zone Application No. R-17-002 to pre-zone the property from the Fresno County RR (Rural Residential) zone district to the City of Fresno CC/UGM (Commercial - Community/Urban Growth Management) and OS/UGM (Open Space/Urban Growth Management) zone districts.</p> <p>3. ***RESOLUTION - Approving Annexation Application No. ANX-17-001 to initiate annexation proceedings for detachment from the North Central Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno. (Subject to Mayor's veto)</p>				
<b>Sponsors:</b>	Planning and Development Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Exhibit A - Vicinity Map, 2. Exhibit B - 2015 Aerial Photograph, 3. Exhibit C - Public Hearing Notice Mailing List Vicinity Map, 4. Exhibit D - Fresno General Plan Planned Land Use Map, 5. Exhibit E - Proposed Pre-zone/Annexation Boundary Exhibit, 6. Exhibit F - Project Information Tables, 7. Exhibit G - Environmental Assessment No. ANX-17-001/R-17-002, Finding of Conformity dated May 5, 2017, 8. Exhibit H - Planning Commission Resolution No. 13475 (Annexation Application No. ANX-17-001), 9. Exhibit I - Planning Commission Resolution No. 13476 (Pre-zone Application No. R-17-002), 10. Exhibit J - City Council Resolution for Annexation Application No. ANX-17-001, 11. Exhibit K - City Council Ordinance Bill for Pre-zone Application No. R-17-002, 12. Exhibit L - Council Powerpoint				

Date	Ver.	Action By	Action	Result
8/31/2017	2	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**August 31, 2017**

**FROM:** JENNIFER K. CLARK, Director  
Development and Resource Management Department

**THROUGH:** MIKE SANCHEZ, Assistant Director  
Development and Resource Management Department

WILL TACKETT, Supervising Planner  
Development Services Division

**BY:** CHRIS LANG, Planner  
Development Services Division

## **SUBJECT**

HEARING to consider Annexation Application No. ANX-17-001, Pre-zone Application No. R-17-002, and related Environmental Assessment No. ANX-17-001/R-17-002, filed by Bill Robinson of Sol Development, on behalf of Don Orosco of D.B.O. Development. These applications pertain to approximately 38.80 acres of property located on the northeast corner of N. Polk and W. Shields Avenues. (Council District 1).

1. Adopt the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report as prepared for the annexation and rezone, dated May 5, 2017 for purposes of the proposed project.
2. BILL - (For introduction and adoption) Approving Pre-zone Application No. R-17-002 to pre-zone the property from the Fresno County RR (*Rural Residential*) zone district to the City of Fresno CC/UGM (*Commercial - Community/Urban Growth Management*) and OS/UGM (*Open Space/Urban Growth Management*) zone districts.
3. \*\*\*RESOLUTION - Approving Annexation Application No. ANX-17-001 to initiate annexation proceedings for detachment from the North Central Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno. (Subject to Mayor's veto)

## **RECOMMENDATIONS**

Staff recommends that the City Council take the following actions:

1. APPROVE the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report as prepared for the annexation and rezone, dated May 5, 2017 for purposes of the proposed project.
2. APPROVE Pre-zone Application No. R-17-002 to pre-zone the property from the Fresno County RR (*Rural Residential*) zone district to the City of Fresno CC/UGM (*Commercial - Community/Urban Growth Management*) and OS/UGM (*Open Space/Urban Growth Management*) zone districts.
3. APPROVE Annexation Application No. ANX-17-001 to initiate annexation proceedings for detachment from the North Central Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno.

## **EXECUTIVE SUMMARY**

Bill Robinson of Sol Development, on behalf of Don Orosco of D.B.O. Development, has filed Annexation Application No. ANX-17-001 and Pre-zone Application No. R-17-002 pertaining to approximately 38.80 acres of property located on the northeast corner of North Polk and West Shields Avenues.

Pre-zone Application No. R-17-002 proposes to pre-zone the subject property from the County of Fresno RR (*Rural Residential*) zone district to the City of Fresno CC/UGM (*Commercial -*

*Community/Urban Growth Management*) and OS/UGM (*Open Space/Urban Growth Management*) zone districts.

The pre-zone application has been filed in order to facilitate annexation to the City of Fresno and detachment from the North Central Fire Protection district and the Kings River Conservation District in accordance with Annexation Application No. ANX-17-001; these actions are under the jurisdiction of the Fresno Local Area Formation Commission (LAFCO).

The subject property is located within the boundaries of the Fresno General Plan and West Area Community Plan.

## BACKGROUND

### Fresno City Planning Commission Action

The subject applications were considered by the Fresno City Planning Commission at its meeting on July 19, 2017. After hearing testimony from city staff and the applicant, the Planning Commission voted to recommend approval of the proposed applications by a vote of 4 to 0.

### Rezone and Annexation Application

Bill Robinson of Sol Development on behalf of Don Orosco of D.B.O. Development has filed Annexation Application No. ANX-17-001 and Pre-zone Application No. R-17-002 pertaining to approximately 38.80 acres of property located on the northeast corner of North Polk and West Shields Avenues.

Rezone Application No. R-17-002 proposes to pre-zone the subject property from the Fresno County RR (*Rural residential*) zone district to the City of Fresno CC/UGM (*Community Commercial/Urban Growth Management*) and OS/UGM (*Open Space/Urban Growth Management*) zone districts for purposes of facilitating annexation to the City of Fresno pursuant to Annexation Application No. ANX-17-001.

No development is proposed at this time; however, future development shall take place in accordance with the FMC. Furthermore, the Standards for Annexation set forth within the Amended and Restated Memorandum of Understanding (MOU) between the County of Fresno and the City of Fresno (Agreement #03-001) provide that a proposal for annexation is acceptable if one of the following conditions exist:

1. There is existing substantial development provided the City confines its area requested to that area needed to include the substantial development and create logical boundaries;
  - (NOTE: Pursuant to the aforementioned MOU, “Substantial development” or “substantially developed” means real property which, prior to annexation, has an improvement value to land value ratio equal to or greater than 1.25:1, as determined by the Fresno County Assessor’s records, as of the property tax lien date in the fiscal year in which the annexation becomes effective under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. Development exists that requires urban services which can be provided by the City; or,

3. If no development exists, at least 50% of the area proposed for annexation has:

- (i) Approved tentative subdivision map(s) (for Single Family Residential); or,
- (ii) Approved site plan (for other uses).

Therefore, the subject properties proposed for annexation will be required to demonstrate compliance under these standards through either: Criterion (1) Findings meeting the minimum requirements for consideration under the provisions for existing substantial development; or, Criterion (3) An approved site/development plan or subdivision map for at least 50% of the area proposed for annexation, prior to such annexation occurring.

Actions related to the annexation of the subject property to the City of Fresno and reorganization, including detachment from the North Central Fire Protection District and the Kings River Conservation District fall under the jurisdiction of the Fresno Local Area Formation Commission (LAFCO).

The subject properties proposed for annexation are located at the westerly end of a County peninsula which extends easterly toward the City's previously incorporated boundaries (please see attached Exhibits "B" to this report). The adjacent lands to the north, which have been annexed to the City, have been developed with single family residences (Tract 4675 recorded in 1994). Properties located directly to the east of the subject property to North Cornelia Avenue; and, properties located west remain in the unincorporated area of Fresno County. Properties to the west of the subject property, across North Polk Avenue have been developed with single family rural residences, as well as properties to the south across West Shields Avenue. Properties to the southeast have been developed with single family residences (Tract 5406 recorded in 2006).

The initial annexation and pre-zone application requests only included an approximately 18.74 acre parcel located at the immediate northeast corner of North Polk and West Shields Avenues (APN: 511-022-01), to facilitate future development of a Community Commercial shopping center in accordance with the planned land use designation of the Fresno General Plan. Two properties (APNs: 511-022-05 & 09), which are located to the east of the commercial planned parcel have been developed with a Fresno Metropolitan Flood Control District (FMFCD) basin and were subsequently included in the annexation application at the request of the FMFCD.

### **Land Use Plans and Policies**

As proposed, the project would be consistent with the Fresno General Plan goals and objectives related to residential land use and the urban form:

Goal No. 7 of the Fresno General Plan encourages the City to provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the City.

Goal No. 8 of the Fresno General Plan encourages the development of Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible

within walking distance. Healthy communities demonstrate efficient development patterns providing for: Sufficient affordable housing development in appropriate locations; A mix of land uses and a built environment that supports walking and biking; Multimodal, affordable transportation choices; and, Safe public spaces for social interaction.

These Goals contribute to the establishment of a comprehensive city-wide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment in accordance with Objective LU-1 of the Fresno General Plan.

Policies LU-1-e and LU-1-g recommend that annexations to the City conform to the General Plan Land Use Designations and maintain the City's current Sphere of Influence (SOI) Boundaries without additional expansion.

The proposed annexation is located directly to the south of the incorporated City of Fresno boundary, and is surrounded by residential uses. The proposed Community Commercial zone district, once developed, will provide services and employment opportunities to the surrounding neighborhoods. Future development will be required to provide all necessary amenities to promote urban residential uses and create complete neighborhoods.

Future projects consistent with the planned land use designations of the Fresno General Plan will introduce and integrate the characteristic elements and benefits of a compact self-sufficient community, which include community facilities, walkable access to commercial services, transit stops and open space amenities, thereby affording a unique opportunity for future residents to enjoy the convenient and healthy lifestyle of living within a Complete Neighborhood.

The Fresno General Plan acknowledges that the sound planning principles for creating Complete Neighborhoods anticipate and plan in advance all amenities needed in a neighborhood to ensure quality and lasting property values before the residential units are built instead of trying to piecemeal those amenities after the fact.

The Fresno General Plan also provides that recommendations for annexations into the City will comply with the MOU. Whatever method is ultimately adopted, the City should implement an easy-to-track, objective, transparent measurement that can be used to determine the appropriate timing for allowing development in areas subject to the restrictions enumerated in the MOU for new growth. The City will use strategic phasing to achieve the overall goals of the plan, as opposed to annual limits of some sort that place unrealistic controls on the local market. For this purpose, the Implementation element of the General Plan includes Strategic Sequencing of Development.

The subject site is identified as being located within Growth Area 1 in Figure IM-2 of the General Plan, which dictates that the city focus on new development within the Growth Area based on planned infrastructure expansion, new public service capacity, and fiscal considerations.

The proposed annexation may be found consistent with the Standards for Annexation as referenced and attached to the MOU.

The proposed annexation is consistent with the adopted sphere of influence and does not conflict with the goals and/or policies of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The proposal is consistent with the City General and specific plans, including adopted

goals and policies. Additionally, the proposal will not create County islands and will minimize existing peninsulas.

Furthermore, as referenced herein above, the subject properties proposed for annexation will be required to demonstrate compliance under the MOU standards for annexation through either: Criterion (1) Findings meeting the minimum requirements for consideration under the provisions for existing substantial development; or, Criterion (3) An approved site/development plan or subdivision map for at least 50% of the area proposed for annexation, prior to such annexation occurring. Future development of property proposed to be annexed will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development; The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and The development will fully fund ongoing public facility and infrastructure maintenance and public service costs.

Therefore it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno. Furthermore, the proposed project, including the design and improvement of the subject property, is found; (1) to be consistent with the goals, objectives and policies of the applicable Fresno General Plan and West Area Community Plan; (2) to be suitable for the type and density of development; (3) to be safe from potential cause or introduction of serious public health problems; and, (4) to not conflict with any public interests in the subject property or adjacent lands.

### **Public Resources**

Evaluation of public services capacity and availability for the area has determined that public infrastructure improvements exist within the surrounding area to serve existing development within the vicinity and may be expanded to facilitate future development on the subject property. Furthermore, the proposed project will be obligated to pay fair share and proportional payment of fees and all development mitigation costs. Future development of the subject properties will be reviewed at the time of application submittal by the Department of Public Utilities (DPU) and will be subject to the Fresno General Plan policies and the mitigation measures of the related Master Environmental Impact Report and the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications and policies.

Review for compliance with fire and life safety requirements for the interior of proposed buildings and the intended use are reviewed by both the Fire Department and the Building and Safety Services Section of the Development and Resource Management Department when a submittal for building plan review is made as required by the California Building Code.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that the subject annexation boundary encompasses lands within the FMFCD and will be served by the District's Storm Drainage and Flood Control Master Plan.

### **Circulation Element Plan Policies and Major Street System Traffic Capacity**

The Fresno General Plan designates North Polk Avenue as an arterial street and West Shields Avenue as a collector street. The developers of future projects will be required to dedicate and construct improvements along all major street frontages and on all interior local streets with any proposed future development.

The Public Works Department, Traffic Engineering Division will review the potential traffic related impacts for proposed projects and will determine if the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to City requirements. These requirements generally include: (1) The provision of a minimum two points of vehicular access to major streets for any phase of the development; (2) Major and local street dedications; (3) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, pavement, underground street lighting systems; and, (4) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee (RTMF) Fee.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. Based upon the project requirements for street dedications, improvements, and contributions to the City wide impact fee system, the adjacent and interior streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

### **Council District Plan Implementation Committee**

The District 1 Plan Implementation Committee reviewed the project at a regularly scheduled meeting on March 21, 2017. A quorum was not established; however the committee members were in favor of the project, adding no comments or conditions.

### **Public Input**

The applicant held a neighborhood meeting on May 25, 2017, and noticed property owners within the boundaries of the proposed pre-zone and annexation. The representative for the property owner provided an overview of the project and planning staff was present to answer questions. Seven individuals attended the meeting and questions and comments from the public were primarily focused on fee impacts on property owners resulting from annexation.

Of the individuals in attendance, the owners of the property abutting the 20 acre parcel indicated that they were opposed to the annexation. The property owner further east indicated that they were in favor of the annexation, and requested that two additional parcels be included with the annexation. Ultimately, all residential properties have been excluded from the annexation boundaries.

### **Public Notice**

In accordance with Section 15-5007 of the FMC, a notice of public hearing was mailed to surrounding property owners within 1,000 feet of the subject site.

## **ENVIRONMENTAL FINDINGS**

An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the area, including the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015). These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

The City of Fresno has conducted an initial study of the above-described project and it has been determined to be a subsequent project that is fully within the scope of the Master Environmental Impact Report (MEIR) SCH No. 2012111015 prepared for the Fresno General Plan adopted by the Fresno City Council on December 18, 2014. Therefore, the Development and Resource Management Department proposes to adopt a Finding of Conformity for this project.

With mitigation imposed, there is no substantial evidence in the record that this project may have additional significant,

direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR. After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6 (b)(1), the Development and Resource Management Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete has become available. The project is not located on a site which is included on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section. A public notice for the Environmental Assessment Application No. ANX-17-001/R-17-002 was published on May 5, 2017 with no comments or appeals received to date.

## **LOCAL PREFERENCE**

Local preference was not considered because this project does not include a bid or award of a construction or service contract.

## **FISCAL IMPACT**

Affirmative action by the Council will result in timely deliverance of the review and processing of the applications as is reasonably expected by the applicant. Prudent financial management is demonstrated by the expeditious completion of this land use application inasmuch as the applicant has paid to the City a fee for the processing of this application and that fee is, in turn, funding the respective operations of the Development and Resource Management Department.

### **Attachments:**

Exhibit A:	Vicinity Map
Exhibit B:	2015 Aerial Photograph
Exhibit C:	Public Hearing Notice Mailing List Vicinity Map
Exhibit D:	Fresno General Plan Planned Land Use Map
Exhibit E:	Proposed Pre-zone/Annexation boundary exhibit
Exhibit F:	Project Information Tables
Exhibit G:	Environmental Assessment No. ANX-17-001/R-17-002, Finding of Conformity dated May 5, 2017
Exhibit H:	Planning Commission Resolution No. 13475 (Annexation Application No. ANX-17-001)
Exhibit I:	Planning Commission Resolution No. 13476 (Pre-zone Application No. R-17-002)
Exhibit J:	City Council Resolution for Annexation Application No. ANX-17-001
Exhibit K:	City Council Ordinance Bill for Pre-zone Application No. R-17-002
Exhibit L:	Council Powerpoint